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October 11, 2006

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Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450 Art Unit To Be Assigned

Attn: Mail Stop Amendment

Re:

U.S. Utility Patent Application

(U.S. Nat'l Phase of PCT/EP2004/008040)

Application No. 10/565,883; Filed: January 25, 2006

**Fungicide Ternary Active Ingredient Combinations** 

Inventors:

Dahmen et al.

Our Ref:

2400.0180000/CMB

Sir:

Transmitted herewith for appropriate action are the following documents:

- 1. Information Disclosure Statement Under 37 C.F.R. § 1.97(b);
- 2. Form PTO/SB/08A listing three (3) cited documents;
- 3. Copies of two (2) of the three (3) cited documents (FP1 and FP2);
- 4. Form PTO/SB/08B listing four (4) cited documents;
- 5. Copies of the four (4) cited documents (NPL1-NPL4); and
- One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Sterne, Kessler, Goldstein & Fox P.L.L. : 1100 New York Avenue, NW : Washington, DC 20005 : 202.371.2600 f 202.371.2540 : www.skgf.com

Commissioner for Patents October 11, 2006 Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Cynthia M. Bouchez Attorney for Applicants Registration No. 47,438

CMB:krh Enclosures

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Sterne, Kessler, Goldstein & Fox PLLC. : 1100 New York Avenue, NW : Washington, DC 20005 : 202.371.2600 f 202.371.2540 : www.skgf.com



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Dahmen et al.

Appl. No.: 10/565,883 (Nat'l Phase of

PCT/EP2004/008040)

Int'l Filing Date: July 19, 2004

For: Fungicide Ternary Active **Ingredient Combinations** 

Confirmation No.: 8057

Art Unit:

To Be Assigned

Examiner:

To Be Assigned

Atty. Docket: 2400.0180000/BLS/CMB

## Information Disclosure Statement Under 37 C.F.R. § 1.97(b)

Mail Stop Amendment

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms, PTO/SB/08A and PTO/SB/08B, are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Copies of Documents FP1 to FP2 and NPL1 to NPL4 are submitted. However, in accordance with 37 C.F.R. § 1.98(a)(2), a copy of the U.S. patent, Document US1, cited on the attached IDS Form, PTO/SB/08A, is not submitted.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following discussion of the relevance of the non-English language documents FP1 and FP2 cited on Form PTO/SB/08A:

Document FP1, WO 98/47367, is in a foreign language. An English language abstract of document FP1 is attached as document NPL2.

Document **FP2**, WO 00/30440, is in a foreign language. An English language abstract of document FP2 is attached as document **NPL3**.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

This Information Disclosure Statement is being filed before the mailing of a first Office Action on the merits. No statement or fee is required.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Cynthia M. Bouchez Agent for Applicants Registration No. 47,438

Date:

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INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

of

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(Use as many sheets as necessary)

1

Complete if Known				
Application Number	10/565,883 (Nat'l Phase of PCT/EP2004/008040)			
Int'l Filing Date	July 19, 2004			
First Named Inventor	Dahmen, Peter			
Art Unit	To Be Assigned			
Examiner Name	To Be Assigned			
Attorney Docket Number	2400.0180000/BLS/CMB			

U.S. PATENT DOCUMENTS							
Cite No.	Document Number  Number-Kind Code <sup>2 (If Known)</sup>	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear			
USI	6,191,128 B1	02/20/2001	Stenzel et al.				
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	No. <sup>1</sup>	No.¹ Number-Kind Code² (If Kaown)  US1 6,191,128 B1	Document Number	Cite No. 1  Document Number Number-Kind Code <sup>2 (If Known)</sup> US1 6,191,128 B1  O2/20/2001  Stenzel et al.			

		Fo	REIGN PATENT DO	OCUMENTS		
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where	
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)			Relevant Passages or Relevant Figures Appear	T
	FP1	WO 98/47367	10/29/1998	Bayer		Abs
	FP2	WO 00/30440	06/02/2000	Bayer		Abs
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Examiner	Date	
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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



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Substitute for form 1449/PTO					Complete if Known		
INFORMATION DISCLOSURE				Application Number	10/565,883 (Nat'l Phase of PCT/EP2004/008040)		
				Int'l Filing Date	July 19, 2004		
STATEMENT BY APPLICANT (Use as many sheets as necessary)		First Named Inventor	Dahmen, Peter				
		Art Unit	To Be Assigned				
		Examiner Name	To Be Assigned				
Sheet	1	of	1	Attorney Docket Number	2400.0180000/BLS/CMB		

		NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published					
	NPL1	Tomlin, C., ed., "fluoxastrobin (382), Fungicide" in The e-Pesticide Manual (Thirteenth Edition) Version 3.0, British Crop Protection Council, Farnham, GB, 2 pages (November 2003)					
	NPL2	Dialog File 351, Accession No. 9079242, Derwent WPI English language abstract for WO 98/47367					
	NPL3	Dialog File 351, Accession No. 10061328, Derwent WPI English language abstract for WO 00/30440					
	NPL4	International Search Report for International Application No. PCT/EP2004/008040, European Patent Office, Netherlands, mailed on November 29, 2004					
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Signature	Considered	

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Applicant's unique citation designation number (optional). Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.